

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

VOIR DIRE

Plaintiff,

v.

Case No. 3:17-cv-739

WALMART STORES, INC. and
WALMART STORES EAST, LP,

Defendants.

Introduction

This is a civil case involving the Americans With Disabilities Act, which we'll refer to as the "ADA." The ADA makes it illegal for employers to discriminate against individuals on the basis of disability. The plaintiff is the Equal Employment Opportunity Commission, the "EEOC." The defendants are Walmart Stores, Inc. and Walmart Stores East, LP, whom I will refer to as just "Walmart." The EEOC alleges that Walmart violated the rights of Walmart employee, Paul Reina, under the ADA. Walmart disputes that it violated Mr. Reina's rights.

1. Have any of you ever heard of this case before today? Follow up at sidebar.
2. The trial of this case will begin today. It may last five days, until Friday. Are any of you unable to serve as a juror during this time?

Knowledge of parties and others

3. Ask counsel to stand and tell the jury where they practice and with whom. Ask panel whether anyone knows counsel or their associates or partners.
4. Ask counsel to introduce the parties. Ask panel whether anyone knows any of the parties.
5. The witnesses in the case may include the following individuals. Do any of you know any of the witnesses?

Roseann Slaght

Margaret Polizzi

Matthew Matheny

Matthew Coppernoll

Gera-Lind Kolarik

Ann Adamczyk

Reginald Coffin

Sheila Rae Martin

Amanda Fellows

Jeffery Scheuerell

Julie Repka

Leah Stroh

Herminio Vargas

Joseph Neblock

Melissa Lawent

Dr. Susan Lewinski

Dr. Richard Deming

Dan Ramsey

Dr. Michael Shapiro

6. Do any of you know the judge or court personnel?

7. Do any of you know any of the other people on the jury panel?

Questions to each prospective juror (listed on a sheet provided to jurors):

Please stand up and tell us about yourself:

8. Name, age, and city or town of residence.

9. If you live in Madison, how long have you lived here?
10. Marital status and number of children, if any.
11. Current occupation (former if retired or currently unemployed).
12. Have you ever owned or managed a company?
13. Current (or former) occupation of your spouse or domestic partner.
14. If you have adult children, what do they do?
15. Any military service, including branch, rank and approximate date of discharge.
16. How far you went in school and major areas of study, if any.
17. Memberships in any groups or organizations.
18. Hobbies and leisure-time activities.
19. Media consumption. What are your favorite types of reading materials, what sources do you use for news, what types of television or radio shows do you watch or listen to, what types of websites do you visit?
20. Have you ever written a letter to the editor in a newspaper or magazine?
21. Do you have any bumper stickers on your car? If so, what do they say or depict?

Case-specific questions to the panel

Jurors may request that sensitive topics be addressed at side-bar

Litigation experience and opinions

22. Have you, a relative, or a close friend been a party to a lawsuit?
23. Have you, a relative, or a close friend ever been a witness in a lawsuit?
24. Have you served on a jury? Follow up: nature of the case; find for plaintiff or defendant; were you the foreperson?
25. Have you or anyone close to you ever had a dispute with a business?

Specialized knowledge or experience

26. Have you or anyone close to you ever been employed by Walmart Stores?
27. Do you have strong feelings, whether positive or negative, about Walmart?
28. The EEOC is a federal agency that is responsible for enforcing federal employment laws. Have you or anyone close to you ever been employed by the Equal Employment Opportunity Commission, or any other agency involved in employment law, such as the Department of Workforce Development, the Equal Rights Division, or DIHLR?
29. Do you have any special knowledge or training related to disability discrimination or the ADA?
30. Have you or anyone close to you ever received any education or training in the legal profession?
31. Have any of you ever been involved in any dispute with a state or federal government, including any governmental agencies?
32. Have you or anyone close to you ever been the subject of an investigation by any governmental body?
33. Have you ever been an officer, manager, or supervisor in any current or previous job?
34. Have you ever been responsible for involved in the hiring, promotion, demotion, or firing of employees?
35. Have you or anyone close to you ever been involved in a dispute relating to employment?
36. Have you or anyone close to you ever been involuntarily discharged from employment?
37. Have you or anyone close to you ever been unfairly disciplined or discriminated against at work?
38. Have you or anyone in your family ever filed an employment-related complaint with an administrative agency such as the Equal Employment Opportunity Commission or the Wisconsin Department of Workforce Development?
39. Do you or anyone close to you have a disability or permanent medical condition that restricts or limits the ability to work?

40. Have you or anyone close to you worked with a job coach or aide?
41. Have you or anyone close to you been injured on the job and unable to return to work because of that injury?
42. Have you or anyone close to you ever requested a job-modification or change in the work environment due to a medical condition?
43. Do you have strong opinions, whether positive or negative, about whether individuals with disabilities should be entitled to the same employment opportunities as non-disabled workers?
44. Do you have any strong feelings about the Americans with Disabilities Act (ADA), which makes it illegal for employers to discriminate against individuals on the basis of disability?

Conclusion

45. At the end of the case, I will give you instructions that will govern your deliberations. You are required to follow those instructions, even if you do not agree with them. Is there any one of you who would be unable or unwilling to follow my instructions?
46. Do you know of any reason whatsoever why you could not sit as a trial juror with absolute impartiality to all the parties in this case?